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United Nations Relief and Works Agency for Palestine Refugees in the Near East

Report of the Special Political and Decolonization Committee (Fourth Committee)

Rapporteur: Mr. Kais **Kabtani** (Tunisia)

I. Introduction

1. At its 2nd plenary meeting, on 17 September 2004, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-ninth session the item entitled "United Nations Relief and Works Agency for Palestine Refugees in the Near East" and to allocate it to the Special Political and Decolonization Committee (Fourth Committee).

2. The Fourth Committee held a general debate on the item at its 20th to 22nd meetings, on 1, 2 and 8 November 2004, and took action on the item at its 24th and 25th meetings, on 17 and 24 November (see A/C.4/59/SR.20-22, 24 and 25).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East for the period from 1 July 2003 to 30 June 2004;[1]

(b) Report of the Secretary-General submitted in pursuance of General Assembly resolution 58/92 on persons displaced as a result of the June 1967 and subsequent hostility (A/59/151);

(c) Report of the Secretary-General submitted in pursuance of General Assembly resolution 58/94 on Palestine refugees' properties and their revenues (A/59/279);

[1] *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 13* (A/59/13).

(d) Note by the Secretary-General transmitting the fifty-eighth report of the United Nations Conciliation Commission for Palestine, in accordance with paragraph 6 of General Assembly resolution 512 (VI) and paragraph 2 of Assembly resolution 58/91 (A/59/260);

(e) Report of the Working Group on the Financing of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (A/59/442);

(f) Letter dated 27 October 2004 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General transmitting the statement by the heads of the member States of the Commonwealth of Independent States on combating international terrorism, issued at Astana on 16 September 2004 (A/59/537-S/2004/868).

4. At its 20th meeting, on 1 November, the Committee heard a statement by the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), who introduced his report (see A/C.4/59/SR.20).

5. At the same meeting, the representative of Norway, in his capacity as Rapporteur of the Working Group on the Financing of UNRWA, introduced the report of the Working Group (see A/C.4/59/SR.20).

6. Also at the same meeting, the representative of the Permanent Observer Mission of Palestine to the United Nations made a statement (see A/C.4/59/SR.20).

II. Consideration of proposals

7. At the 24th meeting, on 17 November, the representative of the Netherlands (on behalf of the States members of the United Nations that are members of the European Union) and the observer for Palestine proposed that action on the draft resolutions before the Committee be deferred (see A/C.4/59/SR.24).

8. At the same meeting, the Committee decided to defer action on the draft resolutions until 24 November.

A. Draft resolution A/C.4/59/L.10

9. At the 24th meeting, on 17 November, the representative of Indonesia, on behalf of Algeria, Bahrain, the Comoros, Djibouti, Egypt, Guinea, Indonesia, Iraq, Jordan, Kuwait, Malaysia, Morocco, Oman, Qatar, Saudi Arabia, Somalia, the Sudan, Tunisia, the United Arab Emirates, Yemen and Palestine, introduced a draft resolution entitled "Assistance to Palestine refugees" (A/C.4/59/L.10). Subsequently, Austria, Bangladesh, Belgium, Bulgaria, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Mali, Malta, Namibia, the Netherlands, Norway, Poland, Portugal, Romania, Senegal, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland and the United Kingdom of Great Britain and Northern Ireland joined in sponsoring the draft resolution.

10. At its 25th meeting, on 24 November, the Committee adopted draft resolution A/C.4/59/L.10 by a recorded vote of 154 to 1, with 9 abstentions (see para. 20, draft resolution I). The voting was as follows:[2]

In favour:

Afghanistan, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Canada, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Guyana, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Vincent and the Grenadines, San Marino, Saudi Arabia, Senegal, Serbia and Montenegro, Singapore, Slovakia, Slovenia, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Israel.

Abstaining:

Albania, Cameroon, Haiti, Honduras, Marshall Islands, Micronesia (Federated States of), Palau, Papua New Guinea, United States of America.

B. Draft resolution A/C.4/59/L.11

11. At the 24th meeting on 17 November, the representative of Indonesia, on behalf of Algeria, Bahrain, Brunei Darussalam, the Comoros, Djibouti, Egypt, Guinea, Indonesia, Iraq, Jordan, Kuwait, Malaysia, Morocco, Oman, Qatar, Saudi Arabia, Somalia, the Sudan, Tunisia, the United Arab Emirates, Yemen and Palestine, introduced a draft resolution entitled "Persons displaced as a result of the June 1967 and subsequent hostilities" (A/C.4/59/L.11). Subsequently, Bangladesh, Mali, Namibia, Senegal and South Africa joined in sponsoring the draft resolution.

[2] The delegation of Guinea subsequently indicated that it had intended to vote in favour.

12. At its 25th meeting, on 24 November, the Committee adopted draft resolution A/C.4/59/L.11 by a recorded vote of 151 to 4, with 5 abstentions (see para. 20, draft resolution II). The voting was as follows:[3]

In favour:

Afghanistan, Algeria, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Canada, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Guyana, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Vincent and the Grenadines, San Marino, Saudi Arabia, Senegal, Serbia and Montenegro, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Israel, Marshall Islands, Micronesia (Federated States of), United States of America.

Abstaining:

Albania, Cameroon, Haiti, Honduras, Uzbekistan.

C. Draft resolution A/C.4/59/L.12 and Rev.1

13. At the 24th meeting, on 17 November, the representative of Indonesia, on behalf of Algeria, Bahrain, Brunei Darussalam, the Comoros, Djibouti, Egypt, Guinea, Indonesia, Iraq, Jordan, Kuwait, Malaysia, Morocco, Oman, Qatar, Saudi Arabia, Somalia, the Sudan, Tunisia, the United Arab Emirates, Yemen and Palestine, introduced a draft resolution entitled "Operations of the United Nations Relief and Works Agency for Palestine Refugees in the Near East" (A/C.4/59/L.12).

14. At the 25th meeting, on 24 November, the Committee had before it a revised draft resolution (A/C.4/59/L.12/Rev.1), submitted by the sponsors of draft resolution

[3] The delegation of Guinea subsequently indicated that it had intended to vote in favour.

A/C.4/59/L.12 and Bangladesh, Mali,[4] Namibia, Senegal and South Africa, which contained the following changes:

(a) The 18th preambular paragraph, which read:

"*Deeply concerned* about the continuing imposition of restrictions on the freedom of movement of the Agency's staff, vehicles and goods, the continuing harassment and intimidation of its staff and the false accusations levelled against the Agency, which undermine and obstruct its work, including its ability to provide its essential services, notably its education, health and relief and social services",

was revised to read:

"*Deeply concerned* about the continuing imposition of restrictions on the freedom of movement of the Agency's staff, vehicles and goods, the harassment and intimidation of the Agency's staff and the serious accusations made against the Agency, which proved to be unfounded, all of which undermine and obstruct the Agency's work, including its ability to provide its essential services, notably its education, health and relief and social services";

(b) Operative paragraph 9, which read:

"9. *Also calls upon* Israel to abide by Articles 100, 104 and 105 of the Charter of the United Nations, the Convention on the Privileges and Immunities of the United Nations and the Convention on the Safety of United Nations and Associated Personnel in order to ensure the safety of the personnel of the Agency, the protection of its institutions and the safeguarding of the security of its facilities in the Occupied Palestinian Territory, including East Jerusalem",

was revised to read:

"9. *Also calls upon* Israel to abide by Articles 100, 104 and 105 of the Charter of the United Nations, the Convention on the Privileges and Immunities of the United Nations in order to ensure the safety of the personnel of the Agency, the protection of its institutions and the safeguarding of the security of its facilities in the Occupied Palestinian Territory, including East Jerusalem";

(c) In operative paragraph 10, the words "*Calls upon* the Government" were replaced by the words "*Urges* the Government".

15. At the same meeting, the representative of the Netherlands, on behalf of the States members of the United Nations that are members of the European Union, orally proposed an amendment to the revised draft resolution, by which a new paragraph would be added after operative paragraph 6, reading:

"*Encourages* the Agency's further consideration of the needs and rights of children in its operations in accordance with the Convention on the Rights of the Child".

[4] The delegation of Mali subsequently indicated that it had withdrawn as a sponsor of the draft resolution.

16. At the same meeting, the Committee adopted draft resolution A/C.4/59/L.12/Rev.1, as orally amended, by a recorded vote of 152 to 5, with 6 abstentions (see para. 20, draft resolution III). The voting was as follows:

In favour:

Afghanistan, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Canada, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guyana, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Vincent and the Grenadines, San Marino, Saudi Arabia, Senegal, Serbia and Montenegro, Singapore, Slovakia, Slovenia, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Israel, Marshall Islands, Micronesia (Federated States of), Palau, United States of America.

Abstaining:

Albania, Cameroon, Haiti, Honduras, Nicaragua, Papua New Guinea.

17. At the same meeting, the representative of Cameroon made a statement in explanation of vote (see A/C.4/59/SR.25).

D. Draft resolution A/C.4/59/L.13

18. At the 24th meeting, on 17 November, the representative of Indonesia, on behalf of Algeria, Bahrain, Brunei Darussalam, the Comoros, Djibouti, Egypt, Guinea, Indonesia, Iraq, Jordan, Kuwait, Malaysia, Morocco, Oman, Qatar, Saudi Arabia, Somalia, the Sudan, Tunisia, the United Arab Emirates, Yemen and Palestine, introduced a draft resolution entitled "Palestine refugees' properties and their revenues" (A/C.4/59/L.13). Subsequently, Austria, Bangladesh, Belgium, Bulgaria, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Mali, Malta, Namibia, the Netherlands, Norway, Poland, Portugal, Romania, Senegal,

Slovakia, Slovenia, South Africa, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland joined in sponsoring the draft resolution.

19. At its 25th meeting, on 24 November, the Committee adopted draft resolution A/C.4/59/L.13 by a recorded vote of 153 to 5, with 6 abstentions (see para. 20, draft resolution IV). The voting was as follows:

In favour:

Afghanistan, Algeria, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Canada, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guyana, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Vincent and the Grenadines, San Marino, Saudi Arabia, Senegal, Serbia and Montenegro, Singapore, Slovakia, Slovenia, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Israel, Marshall Islands, Micronesia (Federated States of), Palau, United States of America.

Abstaining:

Albania, Cameroon, Haiti, Honduras, Papua New Guinea, Uzbekistan.

III. Recommendations of the Special Political and Decolonization Committee (Fourth Committee)

20. The Special Political and Decolonization Committee (Fourth Committee) recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I
Assistance to Palestine refugees

The General Assembly,

Recalling its resolution 194 (III) of 11 December 1948 and all its subsequent resolutions on the question, including resolution 58/91 of 9 December 2003,

Recalling also its resolution 302 (IV) of 8 December 1949, by which, inter alia, it established the United Nations Relief and Works Agency for Palestine Refugees in the Near East,

Recalling further relevant Security Council resolutions,

Aware of the fact that, for more than five decades, the Palestine refugees have suffered from the loss of their homes, lands and means of livelihood,

Affirming the imperative of resolving the problem of the Palestine refugees for the achievement of justice and for the achievement of lasting peace in the region,

Acknowledging the essential role that the United Nations Relief and Works Agency for Palestine Refugees in the Near East has played for more than fifty-four years since its establishment in ameliorating the plight of the Palestine refugees in the fields of education, health and relief and social services,

Taking note of the report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East covering the period from 1 July 2003 to 30 June 2004,[1]

Aware of the continuing needs of the Palestine refugees throughout all the fields of operation, namely Jordan, Lebanon, the Syrian Arab Republic and the Occupied Palestinian Territory,

Expressing grave concern at the especially difficult situation of the Palestine refugees under occupation, including with regard to their safety, well-being and living conditions, and the continuous deterioration of those conditions during the recent period,

Noting the signing of the Declaration of Principles on Interim Self-Government Arrangements on 13 September 1993 by the Government of Israel and the Palestine Liberation Organization[2] and the subsequent implementation agreements,

Aware of the important role to be played in the peace process by the Multilateral Working Group on Refugees of the Middle East peace process,

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[1] *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 13* (A/59/13).

[2] A/48/486-S/26560, annex.

1. *Notes with regret* that repatriation or compensation of the refugees, as provided for in paragraph 11 of General Assembly resolution 194 (III), has not yet been effected and that, therefore, the situation of the Palestine refugees continues to be a matter of grave concern;

2. *Also notes with regret* that the United Nations Conciliation Commission for Palestine has been unable to find a means of achieving progress in the implementation of paragraph 11 of General Assembly resolution 194 (III), and requests the Conciliation Commission to exert continued efforts towards the implementation of that paragraph and to report to the Assembly as appropriate, but no later than 1 September 2005;

3. *Affirms* the necessity for the continuation of the work of the United Nations Relief and Works Agency for Palestine Refugees in the Near East and the importance of its operation and its services for the well-being of the Palestine refugees and for the stability of the region, pending the resolution of the question of the Palestine refugees;

4. *Calls upon* all donors to continue to make the most generous efforts possible to meet the anticipated needs of the Agency, including those mentioned in recent emergency appeals;

5. *Decides* to extend the mandate of the Agency until 30 June 2008, without prejudice to the provisions of paragraph 11 of General Assembly resolution 194 (III).

Draft resolution II
Persons displaced as a result of the June 1967 and subsequent hostilities

The General Assembly,

Recalling its resolutions 2252 (ES-V) of 4 July 1967, 2341 B (XXII) of 19 December 1967 and all subsequent related resolutions,

Recalling also Security Council resolutions 237 (1967) of 14 June 1967 and 259 (1968) of 27 September 1968,

Taking note of the report of the Secretary-General submitted in pursuance of its resolution 58/92 of 9 December 2003,[1]

Taking note also of the report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East covering the period from 1 July 2003 to 30 June 2004,[2]

Concerned about the continuing human suffering resulting from the June 1967 and subsequent hostilities,

Taking note of the relevant provisions of the Declaration of Principles on Interim Self-Government Arrangements of 1993[3] with regard to the modalities for the admission of persons displaced in 1967, and concerned that the process agreed upon has not yet been effected,

1. *Reaffirms* the right of all persons displaced as a result of the June 1967 and subsequent hostilities to return to their homes or former places of residence in the territories occupied by Israel since 1967;

2. *Expresses deep concern* that the mechanism agreed upon by the parties in article XII of the Declaration of Principles on Interim Self-Government Arrangements of 1993[3] on the return of displaced persons has not been complied with, and stresses the necessity for an accelerated return of displaced persons;

3. *Endorses*, in the meanwhile, the efforts of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East to continue to provide humanitarian assistance, as far as practicable, on an emergency basis, and as a temporary measure, to persons in the area who are currently displaced and in serious need of continued assistance as a result of the June 1967 and subsequent hostilities;

4. *Strongly appeals* to all Governments and to organizations and individuals to contribute generously to the Agency and to the other intergovernmental and non-governmental organizations concerned for the above-mentioned purposes;

5. *Requests* the Secretary-General, after consulting with the Commissioner-General, to report to the General Assembly before its sixtieth session on the progress made with regard to the implementation of the present resolution.

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[1] A/59/151.

[2] *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 13* (A/59/13).

[3] A/48/486-S/26560, annex.

Draft resolution III
Operations of the United Nations Relief and Works Agency for Palestine Refugees in the Near East

The General Assembly,

Recalling its resolutions 194 (III) of 11 December 1948, 212 (III) of 19 November 1948, 302 (IV) of 8 December 1949 and all subsequent related resolutions, including resolution 58/93 of 9 December 2003,

Recalling also the relevant Security Council resolutions,

Having considered the report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East covering the period from 1 July 2003 to 30 June 2004,[1]

Taking note of the letter dated 30 September 2004 from the Chairperson of the Advisory Commission of the United Nations Relief and Works Agency for Palestine Refugees in the Near East addressed to the Commissioner-General,[2]

Deeply concerned about the continuing critical financial situation of the Agency and its effect on the continuing provision of necessary Agency services to the Palestine refugees, including its emergency-related and development programmes,

Recalling Articles 100, 104 and 105 of the Charter of the United Nations and the Convention on the Privileges and Immunities of the United Nations,[3]

Recalling also the Convention on the Safety of United Nations and Associated Personnel,[4]

Affirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[5] to the Palestinian territory occupied since 1967, including East Jerusalem,

Aware of the continuing needs of the Palestine refugees throughout the Occupied Palestinian Territory and in the other fields of operation, namely, in Jordan, Lebanon and the Syrian Arab Republic,

Gravely concerned about the increased suffering of the Palestine refugees, including that resulting from loss of life, injury and extensive destruction and damage to their shelters and properties, during the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem,

Expressing grave concern about the grave impact of the events that occurred in the Jenin refugee camp in April 2002, the Rafah refugee camp in May 2004 and the Jabaliya refugee camp in October 2004, including the loss of life, injury, destruction and displacement inflicted on many of the civilian inhabitants,

Aware of the extraordinary efforts being undertaken by the Agency for the repair or rebuilding of thousands of damaged or destroyed refugee shelters,

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[1] *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 13* (A/59/13).
[2] Ibid., p. viii.
[3] Resolution 22 A (I).
[4] United Nations, *Treaty Series*, vol. 2051, No. 35457.
[5] Ibid., vol. 75, No. 973.

Aware also of the valuable work done by the refugee affairs officers of the Agency in providing protection to the Palestinian people, in particular Palestine refugees,

Gravely concerned about the endangerment of the safety of the Agency's staff and about the damage caused to facilities of the Agency as a result of Israeli military operations during the reporting period,

Deploring the killing of twelve Agency staff members by the Israeli occupying forces since September 2000,

Deploring also the killing and wounding of children in the Agency's schools by the Israeli occupying forces,

Expressing deep concern about the continuing policies of closure and severe restrictions, including the curfews, that have been imposed on the movement of persons and goods throughout the Occupied Palestinian Territory, including East Jerusalem, and which have had a grave impact on the socio-economic situation of the Palestine refugees and have greatly contributed to the dire humanitarian crisis facing the Palestinian people,

Deeply concerned about the continuing imposition of restrictions on the freedom of movement of the Agency's staff, vehicles and goods, the harassment and intimidation of the Agency's staff and the serious accusations made against the Agency, which proved to be unfounded, all of which undermine and obstruct the Agency's work, including its ability to provide its essential services, notably its education, health and relief and social services,

Recalling the signing, on 13 September 1993, of the Declaration of Principles on Interim Self-Government Arrangements by the Government of Israel and the Palestine Liberation Organization[6] and the subsequent implementation agreements,

Aware of the agreement between the Agency and the Government of Israel,

Taking note of the agreement reached on 24 June 1994, embodied in an exchange of letters between the Agency and the Palestine Liberation Organization,[7]

1. *Expresses its appreciation* to the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, as well as to all of the staff of the Agency, for their tireless efforts and valuable work, particularly in the light of the increasingly difficult conditions during the past year;

2. *Also expresses its appreciation* to the Advisory Commission of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, and requests it to continue its efforts and to keep the General Assembly informed of its activities, including the full implementation of Assembly decision 48/417 of 10 December 1993;

3. *Takes note with appreciation* of the report of the Working Group on the Financing of the United Nations Relief and Works Agency for Palestine Refugees in the Near East[8] and the efforts of the Working Group to assist in ensuring the

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[6] A/48/486-S/26560, annex.

[7] *Official Records of the General Assembly, Forty-ninth Session, Supplement No. 13* (A/49/13), annex I.

[8] A/59/442.

financial security of the Agency, and requests the Secretary-General to provide the necessary services and assistance to the Working Group for the conduct of its work;

4. *Commends* the continuing efforts of the Commissioner-General to increase the budgetary transparency and efficiency of the Agency, as reflected in the Agency's programme budget for the biennium 2004-2005;[9]

5. *Acknowledges* the support provided by the host Governments to the Agency in the discharge of its duties;

6. *Welcomes* the convening, on 7 and 8 June 2004, of the Geneva conference by the United Nations Relief and Works Agency for Palestine Refugees in the Near East and the Swiss Agency for Development and Cooperation to increase support for the United Nations Relief and Works Agency;

7. *Encourages* the Agency's further consideration of the needs and rights of children in its operations in accordance with the Convention on the Rights of the Child;[10]

8. *Expresses concern* about the temporary relocation of the headquarters international staff of the Agency from Gaza City and the disruption of operations at the headquarters;

9. *Calls upon* Israel, the occupying Power, to comply fully with the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;[5]

10. *Also calls upon* Israel to abide by Articles 100, 104 and 105 of the Charter of the United Nations and the Convention on the Privileges and Immunities of the United Nations[3] in order to ensure the safety of the personnel of the Agency, the protection of its institutions and the safeguarding of the security of its facilities in the Occupied Palestinian Territory, including East Jerusalem;

11. *Urges* the Government of Israel speedily to compensate the Agency for damage to its property and facilities resulting from actions by the Israeli side, particularly during the reporting period;

12. *Calls upon* Israel particularly to cease obstructing the movement of the staff, vehicles and supplies of the Agency and to cease the levying of extra fees and charges, which affect the Agency's operations detrimentally;

13. *Requests* the Commissioner-General to proceed with the issuance of identification cards for Palestine refugees and their descendants in the Occupied Palestinian Territory;

14. *Affirms* that the functioning of the Agency remains essential in all fields of operation;

15. *Notes* the success of the Agency's microfinance and microenterprise programme, and calls upon the Agency, in close cooperation with the relevant agencies, to continue to contribute to the development of the economic and social stability of the Palestine refugees in all fields of operation;

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[9] *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 13*, addendum (A/58/13/Add.1).

[10] United Nations, *Treaty Series*, vol. 1577, No. 27531.

16. *Reiterates its request* to the Commissioner-General to proceed with the modernization of the archives of the Agency through the Palestine Refugee Records Project, and to indicate the progress made in this regard in his report to the General Assembly at its sixtieth session;

17. *Reiterates its previous appeals* to all States, specialized agencies and non-governmental organizations to continue and to augment the special allocations for grants and scholarships for higher education to Palestine refugees in addition to their contributions to the regular budget of the Agency and to contribute to the establishment of vocational training centres for Palestine refugees, and requests the Agency to act as the recipient and trustee for the special allocations for grants and scholarships;

18. *Urges* all States, specialized agencies and non-governmental organizations to continue and to increase their contributions to the Agency so as to ease the ongoing financial constraints, exacerbated by the current humanitarian situation on the ground, and to support the Agency's valuable work in assisting the Palestine refugees.

Draft resolution IV
Palestine refugees' properties and their revenues

The General Assembly,

Recalling its resolutions 194 (III) of 11 December 1948, 36/146 C of 16 December 1981 and all its subsequent resolutions on the question,

Taking note of the report of the Secretary-General submitted in pursuance of its resolution 58/94 of 9 December 2003,[1]

Taking note also of the report of the United Nations Conciliation Commission for Palestine for the period from 1 September 2003 to 31 August 2004,[2]

Recalling that the Universal Declaration of Human Rights[3] and the principles of international law uphold the principle that no one shall be arbitrarily deprived of his or her property,

Recalling in particular its resolution 394 (V) of 14 December 1950, in which it directed the Conciliation Commission, in consultation with the parties concerned, to prescribe measures for the protection of the rights, property and interests of the Palestine refugees,

Noting the completion of the programme of identification and evaluation of Arab property, as announced by the Conciliation Commission in its twenty-second progress report,[4] and the fact that the Land Office had a schedule of Arab owners and file of documents defining the location, area and other particulars of Arab property,

Expressing its appreciation for the work done to preserve and modernize the existing records, including the land records, of the Conciliation Commission and the importance of such records for a just resolution of the plight of the Palestine refugees in conformity with resolution 194 (III),

Recalling that, within the framework of the Middle East peace process, the Palestine Liberation Organization and the Government of Israel agreed, in the Declaration of Principles on Interim Self-Government Arrangements of 13 September 1993,[5] to commence negotiations on permanent status issues, including the important issue of the refugees,

1. *Reaffirms* that the Palestine refugees are entitled to their property and to the income derived therefrom, in conformity with the principles of equity and justice;

2. *Requests* the Secretary-General to take all appropriate steps, in consultation with the United Nations Conciliation Commission for Palestine, for the protection of Arab property, assets and property rights in Israel;

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[1] A/59/279.

[2] A/59/260, annex.

[3] Resolution 217 A (III).

[4] *Official Records of the General Assembly, Nineteenth Session, Annexes*, Annex No. 11, document A/5700.

[5] A/48/486-S/26560, annex.

3. *Calls once again upon* Israel to render all facilities and assistance to the Secretary-General in the implementation of the present resolution;

4. *Calls upon* all the parties concerned to provide the Secretary-General with any pertinent information in their possession concerning Arab property, assets and property rights in Israel that would assist him in the implementation of the present resolution;

5. *Urges* the Palestinian and Israeli sides, as agreed between them, to deal with the important issue of Palestine refugees' properties and their revenues within the framework of the final status negotiations of the Middle East peace process;

6. *Requests* the Secretary-General to report to the General Assembly at its sixtieth session on the implementation of the present resolution.